IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION NO. 7:97-CR-63-1H

UNITED STATES OF	AMERICA,)	
)	
)	
)	
V.)	
)	ORDER
)	
TAMARA LLAMAS,)	
)	
Defendant.)	
)	

This matter is before the court on defendant's motion to correct sentence pursuant to 18 U.S.C. § 3742(a)(2), [DE #286, #287]; motion to appoint counsel, [DE #301]; motion for permission to file a successive motion pursuant to 28 U.S.C. § 2255, [DE #302]; and "motion to defer/stay," [DE #303].

Defendant was sentenced on November 6, 1998. She filed a notice of appeal, and this court was affirmed on August 8, 1999. [DE #195]. As petitioner requests a certificate of appealability and is seeking relief under § 3742, the court notes petitioner has already filed an appeal. Therefore, this motion, [DE #286, #287], is DENIED AS MOOT.

For lack of good cause shown, petitioner's motion to appoint counsel, [DE #301], is DENIED. Petitioner requests permission to file a successive § 2255 motion, [DE #301]. However, petitioner has not filed in the proper court. The court notes its order of

July 29, 2020, denying petitioner's § 2255 motion as successive and noting this court is without jurisdiction to review the matter until authorized by the United States Court of Appeals for the Fourth Circuit. [DE #299 (emphasis added)]. Additionally, that order provided "[a]ccordingly, this matter is DISMISSED without prejudice for the petitioner to seek authorization to file this application in the Eastern District of North Carolina." [DE #299]. As the court has already ruled on petitioner's § 2255 motion as successive, and no § 2255 motion remains pending before this court, petitioner's motion to defer/stay, [DE #303], is DENIED AS MOOT.

Therefore, petitioner's motions, [#301 and #302], are hereby DENIED. Petitioner's motions, [DE #286, #287, and #303], are DENIED AS MOOT.

This 25th day of August 2020.

Malcolm J. Howard

Senior United States District Judge

At Greenville, NC #35